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7 UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA  
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10 Alexandra Warner and  
Wael Choughari,

11 Plaintiffs,

12 v.

13 JANET NAPOLITANO, Secretary,  
14 United States Department of  
Homeland Security; *et al.*,

15 Defendants.  
16

2:11-01060-KJD-CWH

DEFENDANTS' UNOPPOSED MOTION  
FOR EXTENSION OF TIME TO  
RESPOND TO COMPLAINT

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18 **DEFENDANTS' UNOPPOSED MOTION FOR EXTENSION OF TIME**  
**TO RESPOND TO PLAINTIFFS' COMPLAINT**

19 (First Request)

20 Defendants, by and through their attorneys, Daniel G.  
21 Bogden, United States Attorney for the District of Nevada,  
22 Carlos A. Gonzalez, Assistant United States Attorney, and  
23 Sherease R. Pratt, Trial Attorney, United States Department of  
24 Justice, respectfully request a sixty (60) day extension of  
25 time, up to and including February 17, 2012, in which to file a  
26 responsive pleading to Plaintiffs' Complaint(#1).

1 In support of this request for an extension of time,  
2 Defendants rely upon the Memorandum of Points and Authorities  
3 attached hereto and incorporated herein.

4 DATED this 16th day of December, 2011.

5 Respectfully submitted,

6 Daniel G. Bogden  
7 United States Attorney

8 /s/ Carlos A. Gonzalez  
9 Carlos A. Gonzalez  
Assistant United States Attorney

1                                    **MEMORANDUM OF POINTS AND AUTHORITIES**

2    **I.     BACKGROUND**

3           Plaintiff filed his Complaint (#1) with the Court on June  
4    28, 2011, and Defendants' response is due on Monday, December  
5    20, 2011. Agency counsel for the United States Citizenship and  
6    Immigration Services ("USCIS") has forwarded Plaintiff Wael  
7    Choughari's visa petition appeal to the Board of Immigration  
8    Appeals ("BIA") and is in the process of coordinating with  
9    United States Immigration and Customs Enforcement ("ICE") and  
10   the BIA to stay Plaintiff Choughari's removal proceedings  
11   pending resolution of his visa appeal. Because the district  
12   court case may be resolved without further litigation, the  
13   Government requests that this honorable Court grant a sixty  
14   (60) day extension of time, up to and including February 17,  
15   2012, in which to file a responsive pleading to Plaintiffs'  
16   Complaint.

17           On December 13, 2011, undersigned counsel Sherease Pratt  
18   spoke with Mr. Anthony D. Guenther, Plaintiffs' counsel, and he  
19   does not oppose this request for an extension of time.

20   **II.   ARGUMENT**

21           The Federal Rules of Civil Procedure provide for an  
22   enlargement of time for cause shown.

23           When an act may or must be done within a specified  
24   time, the court may, for good cause, extend the time:  
25   (A) with or without motion or notice if the court  
         acts, or if a request is made, before the original  
         time or its extension expires . . . .

26   Fed. R. Civ. P., Rule 6(b)(1)(A).

1           1.   Undersigned counsel will not be able to meet the  
2 response deadline because they must coordinate a response with  
3 agency counsel.   Agency counsel for USCIS has forwarded  
4 Plaintiff Wael Choughari's visa petition appeal to the BIA and  
5 is in the process of coordinating with ICE and the BIA to stay  
6 Plaintiff Choughari's removal proceedings pending resolution of  
7 his visa appeal.   Because the district court case may be  
8 resolved without further litigation, the Government requests  
9 that this honorable Court grant a sixty (60) day extension of  
10 time, up to and including February 17, 2012, in which to file a  
11 responsive pleading to Plaintiffs' Complaint.

12           2.   This request is made prior to the expiration of the  
13 time set by the Court to respond to Plaintiffs' Complaint.

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1 **III. CONCLUSION**

2 Therefore, the Defendants respectfully request that this  
3 honorable Court grant a sixty (60) day extension of time, up to  
4 and including February 17, 2012, in which to file a response to  
5 Plaintiffs' Complaint (#1).

6 DATED this 16th day of December, 2011.

7 Respectfully submitted,

8 DANIEL G. BOGDEN  
9 United States Attorney

10 /s/ Carlos A. Gonzalez  
11 Carlos A. Gonzalez  
12 Assistant United States Attorney

13 TONY WEST  
14 Assistant Attorney General  
15 Civil Division

16 JEFFREY S. ROBINS  
17 Assistant Director  
18 Office of Immigration Litigation

19 /s/ SHEREASE R. PRATT  
20 SHEREASE R. PRATT  
21 Trial Attorney  
22 U.S. Department of Justice  
23 Civil Division  
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Attorneys for Defendants

23 **IT IS SO ORDERED.**

24   
25 **UNITED STATES MAGISTRATE JUDGE**

26 **DATED:** December 19, 2011